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Subject: Comments to Federal Communications Commission WT Docket No. 01-289

Commenter:

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Introduction: In the subject document, the FCC proposes to further limit the Certification, Manufacture, Importation, Sale, or Use of 121.5 MHz Emergency Locator Transmitter Beacons (herein this discussion collectively referred to as Legacy ELT's unless otherwise described).

General comment: In today's day and age of tight government budgets and over-regulation, undesired and unneeded regulation by the government should be avoided and fought at every corner. The proposal brought out for comment in this NPRM smacks of **A SOLUTION LOOKING FOR A PROBLEM**. As a taxpayer I have to ask how many millions of my tax dollars have been wasted pursuing this unneeded endeavor. Every time this has been proposed for further regulation and public comment solicited, the response has been negative on the need for further regulation of legacy ELT's. While you would find few in the aviation community that would not agree that a 406 MHz ELT is not a better piece of equipment than a legacy ELT, you will find few people or operators seeing a need to replace existing ELT's with 406 MHz ELT's on anything but an attrition basis on aircraft operated under Part 91 CFR. While legacy ELT's have proven to be problematic and not the panacea they were supposed to be when forced on the aviation community more than 40 years ago, 406 MHz ELT have also proven to not be the cure-all they were supposed to be. They have also proven to fail to trigger during an accidents and also have been reported to trigger when not in an accident and sometimes just sitting tied down on the ramp. A better use of my tax dollar may be to better define the specification for the units, rather than try to force aircraft owners to spend thousands of dollars buying 406 MHz ELT's that the need for is rapidly diminishing. Newer, cheaper, and better technologies are entering the aviation community and may soon negate the need for an ELT as we know it today. While all of my comments below are against your proposal, I am also coming from the viewpoint of a domestic user of the airspace in the contiguous United States. Aircraft used in international operation may very well benefit from the installation of a 406 MHz ELT, but that should be decided by the operator of the aircraft and in conformance with the regulations of the country the operator proposes to operate their US Registered aircraft in. While some areas of the United States are rather remote, again it should be the operator of the aircraft's choice to equip their aircraft with the equipment they choose. In many cases a Personnel Locator Beacon (PLB) supplementing an ELT can do the same or better job than an installed aircraft ELT at a far lower cost.

Detailed comments to the proposal follow:

In paragraph 1 of your introduction to the proposal, you dwell on the now tried and true mantra of COPAS-SARSAT no longer monitors the legacy ELT's. My response is SO WHAT. Countless Military and

Civil aircraft, control towers, and enroute ATC facilities routinely monitor “Guard” frequency for the very purpose of hearing ELT’s and listening for other emergency communications. When they hear an ELT, and it stays broadcasting for any period of time, it still attracts plenty of attention. If it is a false alarm, it will get solved in due time as it has been for the past 40 years. We can rest assured that this will be a diminishing problem as Legacy ELT’s are retired and that if we have tolerated it this long, we can continue to tolerate it.

In paragraph 2 of the proposal, you acknowledge that the Federal Aviation Administration also asked that the Legacy ELT’s continue to be allowed in service because they still provide a “beneficial means of locating missing aircraft . . .” You also acknowledged that even the FAA expressed concern for the cost and availability of 406 MHz ELT. While I find no direct reason to be concerned with the availability of 406 MHz ELT being installed on new production aircraft and on an attrition basis for legacy ELT’s, you have done nothing in your proposal to address the issues raised of 200,000+ airplanes being made to retrofit 406 MHz ELT’s in a short period of time. There is NO PAYBACK for manufacturers to increase the production rate of 406 MHz ELT’s and flood the market with them for a number of reasons. The first being it will lower their profit margin from raised production cost from ramping up the manufacturing process, and then flood the market early on leaving them with a production overcapacity when the market demand has been met. Multiple manufacturers in the market place only add to this problem.

In paragraph 3 you continue to beat the dead horse of a need to regulate (in the future) legacy ELT’s. By now you should have picked up on my and the end user communities’ input that further regulation is not required or desired.

In paragraph 4 you acknowledge that “Frequency 121.5 MHz will remain available for homing”. You then go on to say/admit that the frequency of 121.5 MHz will continue to be the common distress frequency. This leads to the obvious conclusion that there is no need to eliminate legacy ELT’s through anything other than attrition. “Spectrum” will not be returned in any fashion to any user by the elimination of legacy ELT’s. 121.5 MHz remains in the aviation band of the spectrum, and will continue to be used by the aviation community. If the FCC wants to de-clutter the 121.5 MHz frequency, they should enforce its use as an EMERGENCY channel and stop the chatter that is heard all of the time on it by the TSA and US Air Force in particular. TSA abuse of the frequency in particular happens in the Washington DC area where the Special Flight Rules Area (another unwarranted, unwanted, and unneeded piece of federal regulation) was enacted AGAINST ALL public comment on the proposal.

In paragraph 5 you again try to support your argument that legacy ELT’s should be eliminated by pointing out that previous commentators all supported the transition to 406 MHz ELT. While a true statement, you only cited examples of comments from government agencies favoring the elimination of legacy ELT’s. No individual or operator affected by such a mandate was cited as supporting the need to eliminate legacy ELT’s. So once again the obvious question, why do we need to regulate legacy ELT’s out of existence? The obvious answer is you don’t. You have done nothing to convince this commentator and most of the aviation community that there is any reason to eliminate legacy ELT’s.

In paragraph 6 you cite that the commission concluded that the public would be served by amending 87.195 to prohibit the further certification, manufacturer, importation, sale or use of 121.5 MHz ELT's. The commission then "concluded" that "requiring a transition to 406 MHz ELT's would promote aviation safety, and that whatever residual safety value 121.5 MHz ELT's might retain was outweighed by the danger that aviators might mistakenly rely on them for satellite distress alerting". You give no conclusive evidence of how that thought was obtained nor do I know any aviator from student pilot to Airline Transport Pilot who thinks they are going to be found in a down aircraft by a satellite still using a legacy ELT. You acknowledge that aircraft owners still using legacy ELT's would incur an expense to replace it with a 406 MHz ELT, and also come to the conclusion that the benefits outweigh the compliance cost. You present no means to support that conclusion, nor do I think your estimates of what that cost are are accurate. In addition to the outrageous cost of purchasing a 406 MHz ELT, installation cost can be double or triple the cost when done properly and according to the installation instructions. I have owned a 406 MHz ELT for 7 months now and not installed it yet because of the extensive time required to install it PROPERLY (they don't just swap out on the rack) and the labor and additional material cost for installing it. So I don't just make these comments because I don't want to be bothered to buy one. I make these comments against this silly rule change because I passionately don't believe in the federalism being crammed down the throats of aircraft owners with no proven reason or benefit. I suggest that if any of the commission members are also aircraft owners that they are more that free to install a modern ELT in their airplane, but they don't have the right or duty to impose their belief on an un-supporting or un-convinced American public. I would also add that if you are determined to impose this unnecessary rule, that you then be ready to pay the bills for ALL aircraft owners affected by this unnecessary rule.

In paragraph 7 the only support you cited for this unnecessary rule that came from outside of government (which is not ready to accept the cost of this rule change to the aircraft owner) is from the very industry that makes and installs the new ELT's. It is obviously in their benefit to wish these rules were imposed in the short term so they can profit from them. They will also then profit again in the future when newly mandated installed systems, such as ADS-B, make the need for installed 406 MHz ELT irrelevant to anyone but you the regulators.

In Section III of the NPRM you then ask for comments on individual questions asked in paragraphs 8 through 15 that I will comment on by paragraph.

Paragraph 8: You once again come to a conclusion with no supporting evidence and overwhelming public negative comment from the people affected by the ill-conceived need to change the existing rules. There is no need to ever remove an existing and functional legacy ELT from service.

Paragraph 9: I will concede there is no need for the FCC to approve the manufacture of a new design legacy ELT. But I am once again pointing out the waste of time and money spent here trying to regulate a problem that does not exist. As you point out in paragraph 9 the FAA has already ceased design or production approval of legacy ELT's. Your need to waste the American Tax Payer's money regulating a problem that does not exist needs to be pointed out to the American public.

Paragraphs 10 and 11: I do agree to your desire to stop the continued manufacture of legacy ELT. There is also no reason to allow the importation of newly manufactured legacy ELT's. I do not however see any reason to prohibit the sale of New or Used legacy ELT's or to ban the importation of legacy ELT's already installed in aircraft being imported into this country for general aviation (Part 91) use. In reference to grandfathering existing legacy ELT I see no reason not to, nor any reason to write confusing and conflicting regulatory language that even addresses them. There is nothing wrong with legacy ELT's, and they will slowly die out on their own. Nothing has been discussed in this NPRM that will sway my mind or any pilot/aircraft owner that I know otherwise. If any individual feels the need to have a 406 MHz ELT, then there is nothing stopping them from having one, other than the outrageous cost involved in the procurement and installation of them. The traveling public understands the risk involved in all flight related ventures and I think even more of them understand the slightly higher risk they have chosen to take getting into a light civil aircraft vs. an airliner. You also ask for comment on stranded inventory of legacy ELT's. If wholesalers and retailers both still have stranded inventory 10+ years into the 406 MHz ELT conversion process, then that is nothing but their own fault. IF I was a retailer, I would not have purchased one for resale in years unless I had a specific request for it. NOTHING should prevent an aircraft owner from purchasing, installing or maintaining a legacy ELT in an airplane except market forces. The Government has no business getting involved in the discussion when it involves unneeded modifications to people's airplanes that brings on unneeded expense. To once again and directly answer your question, the transition to 406 MHz ELT should be an unlimited timeline with no deadline. The issue of legacy ELT's will resolve itself from market forces outside of the FCC regulation. No point of sale labeling is required on the sale of legacy ELT's, and IF the FCC is so hung-up on the need to "do something" they should recommend the FAA require a placard on each airplane still so equipped. And your final comment in paragraph 11 that when EPIRBs were phased out that the FCC grandfathered them to a specific date. My answer is SO WHAT. What does that have to do with this issue other than it provides another example of more government over regulation for no legitimate purpose? They (EPIRB's) too will work for their intended job until the piece of equipment fails, not because no one will be listening to 121.5 MHz. I say the more thing blasting a signal in to the air, the more likely to be found.

Paragraph 12: As I indicated in an earlier comment, I think the cost to install a 406 MHz ELT is grossly under estimated by the FAA and FCC. While following the manufacture's direction for the 406 MHz ELT that I own, nothing less than 8-10 hours of labor will be required to install it, likely more. At a cost of \$80+/hour the cost to install it will come close to or exceed the purchase cost. I have a simple airplane to install it in. Many airplane will be much harder to install a 406 MHz ELT in PROPERLY than mine. I should also note that market forces have not appreciably driven down the acquisition cost of the ELT much if any. Most 406 MHz ELT prices start at \$900.00 and can go up to several thousand dollars just for the equipment, again not counting the installation labor cost.

Paragraph 13: As I discussed earlier, market forces have little effect on the availability of 406 MHz ELT's. The aviation market for ELT's is so small that it is not worth any manufacturer making them in the masses that ordinary consumer products are made at. I am not directly aware of delays getting the equipment when it is wanted, but am also not in the resale/installation market. I can say that it took

about five or six weeks for the manufacturer of mine to deliver it. If that is an indication of delay time, than that backs other commenters position that aircraft would be grounded be the delay in getting the equipment, when/if a short implementation time is mandated. I would again say that existing legacy ELT's should be good forever or until they fail.

Paragraphs 14 and 15: From my limited knowledge of Civil Air Patrol airplane capabilities, I believe they still use ADF equipment that can track the legacy ELT. The micro-burst of satellite data that simple 406 MHz ELT's transmit do nothing to aid the searcher in the field/air directly. 406 MHz ELT's that also transmit on 121.5 prove the worth of a 121.5 MHz ELT and should require no more comment than that. No unwarranted reliance on legacy ELT's exist. The parties that use them know and understand the cost/benefit of newer 406 MHz ELT's and have made the choice to continue the use of the legacy ELT. The bigger question should be if ANY ELT should still be required equipment on an airplane given all of the other technology that has or soon will be entering our lives. Many aircraft operate in an environment that no ELT should even be required. A crash of many airplanes will get reported faster than the 406 MHz ELT's response (if it goes off). A PLB paired with a tracker device (such as a SPOT Tracker) can provide as much or more information to a searcher that many of the 406 MHz ELT's do. And they are much cheaper to buy up front. Operation of a tracker after several years can exceed the cost to install a 406 MHz ELT when one considers subscription cost to the tracker side of it. Education outreach has already been undertaken by the FAA, AOPA, and the aircraft electronics industry. Further intervention by the FCC is not required or desired. Future ADS-B mandates from the FAA will also further negate the need for ELT's to a large degree.

Conclusion: NO EFFORT on the part of the FCC should be undertaken at this time to mandate/regulate/or otherwise attempt to control legacy 121.5 MHz ELT's. They are a problem only in the FCC's mind. Market forces dictate the diminishing number of them in use, and as long as they are functional they will continue to do what they were designed to do. There is no need for the FCC or FAA to further regulate legacy ELT's out of service. Market forces will see to that as they become unsupportable.